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Paper No. 8

In re Application of  
William R. Dietel  
Application No. 10/034,678  
Filed: December 27, 2001  
Attorney Docket No. Piling-1

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: DECISION ON  
: RENEWED PETITION  
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This is a decision on the renewed petition filed by facsimile transmission on June 17, 2004 by which petitioner again requests withdrawal of the holding that this application stands abandoned for failure to file a reply to the Office letter dated May 21, 2003. The renewed petition is being considered under 37 CFR 1.181, and no petition fee is required.


The renewed petition is granted.

The original petition was dismissed because it was not signed. The renewed petition is taken as a ratification of the original petition.

A review of the original petition shows that petitioner alleges that this application is not abandoned because petitioner in fact filed a reply to the Office letter in question. Petitioner has supported this allegation by furnishing a copy of the reply. The reply has affixed thereto a 37 CFR 1.8(a) certificate of mailing dated November 21, 2003. Therefore, it is established that on November 21, 2003, petitioner did in fact file a reply to the Office letter in question. See 37 CFR 1.8(b). Further, the reply included a request for a three month extension of time and a check for the extension fee. Office financial records confirm receipt of the extension fee. Therefore, it is clear that the reply filed on November 21, 2003 was timely filed within the period set for responding to the Office letter in question, as extended. Thus, the application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for processing the reply filed on November 21, 2003. Thereafter, the application will be forwarded to the examiner for appropriate.

PETITION GRANTED.

  
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